

REMARKS

Claims 46 -48, 50 – 52, 54 - 59 and 61 – 67 are pending and stand rejected in the above-referenced office action. Claim 46 is currently amended to correct an obvious typographical error. This amendment merely adopts a suggestion of the Examiner and does not affect the question of patentability of the claim and thus is believed proper in an amendment after a final rejection. All other claims remain as previously presented.

All claims stand rejected over the combination of Whitehurst and Houben alone or in conjunction with one or more of Sterzer and Weaver. This rejection is respectfully traversed.

All rejections are based upon the argument that Houben makes it obvious to add qRs synchronization to Whitehurst, and thus produce the claimed invention. However, this argument ignores the fact that synchronization in Houben is for a purpose completely inapplicable to the device of Whitehurst. In Houben, synchronization is provided to prevent the qRs complex from interfering with the sensing of the response of the tissue to which the electrical pulses are applied. No such sensing takes place in Whitehurst, as the electrical pulses are applied for an entirely different purpose. Similarly, synchronization as claimed in conjunction with the present application is for a purpose completely unrelated to the purpose of synchronization in Houben. Absent the teaching of the present application, one of skill in the art would conclude that adding qRs synchronization to Whitehurst would be of no value, as the tumor to which the electrical pulses are applied is not sensed and would apparently provide no signals to sense anyway. Thus, absent the teaching of the present application, the combination of Whitehurst and Houben effectively teaches away from the invention as claimed, rather than rendering it obvious. The added teachings of Sterzer and weaver do not overcome this deficiency.

Withdrawal of the rejections of the claims over Whitehurst and Houben alone and in conjunction with Weaver and/or Sterzer is respectfully requested.

All remaining claims are believed to be in condition for allowance. Entry of the above amendment and reconsideration of the rejections is respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

January 5, 2009
Date

/Reed A. Duthler/
Reed A. Duthler
Reg. No. 30,626
(763) 526-1564
Customer No. 27581